THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2934 of 2007

Date: 19.02.2007

Between:

Smt C.Vijayakumari.

....Petitioner

And

Regional Transport Officer, Anantapur, Anantapur District and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2934 of 2007

O R D E R:

Petitioner is the owner of a Jeep bearing registration No.AP.02/F.7489. On 16.12.2006, the vehicle was checked and seized under the check report. It was found that as many as 19 passengers were travelling in the vehicle and it was not covered by the necessary permit. The petitioner seeks necessary directions to the respondents for release of the vehicle.

Learned counsel for the petitioner submits that the petitioner is not using the vehicle as a stage or contract carriage and it was seized on trivial grounds. He contends that the continued seizure would result in damage to the vehicle.

Learned Government Pleader for Transport, on instructions, submits that on the basis of the check report, the petitioner was already issued a show cause notice, dated 22.01.2006, pointing out that a sum of Rs.19,690/-

is due towards tax and a sum of Rs.26,220/- is to be paid towards penalty.

The petitioner does not dispute that as many as 19 passengers were travelling in the vehicle, when it was checked. The Deputy Transport Commissioner, Anantapur had already issued a show cause notice to the petitioner, for levy of the arrears of tax and penalty. The petitioner is yet to submit his explanation and the final outcome would depend upon the satisfaction of the concerned authority. The continued seizure, in the meanwhile, would expose the vehicle to thefts and damage. The interests of both the parties can be protected, by directing release of the vehicle, subject to certain conditions.

Hence, the Writ Petition is disposed of, directing the respondents herein to release the vehicle bearing No.AP.02/F.7489, on condition that the petitioner shall deposit a sum of Rs.19,690/- (Rupees Nineteen Thousand Six Hundred and Ninety Only) towards arrears of tax and a further sum of Rs.5,000/- (Rupees Five Thousand Only). Such deposit shall be subject to the outcome of proceedings that are already initiated against the petitioner. There shall be no order as to costs.

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19.02.2007

Note: Issue C.C. tomorrow.

(B/o)

JSU